

United States Environmental Protection Agency
Region 10
1200 Sixth Avenue
Seattle, Washington 98101

AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act, 33 U.S.C. §1251 et seq., as amended by the Water Quality Act of 1987, P.L. 100-4, the "Act",

City of McCall
P.O. Box 1065
McCall, Idaho 83638

is authorized to discharge from a wastewater treatment facility located at McCall, Idaho, [latitude: 44° 53' 56''; longitude: 116° 07' 20''].

to receiving waters named North Fork of the Payette River,

in accordance with discharge point(s), effluent limitations, monitoring requirements and other conditions set forth herein.

This permit shall become effective August 12, 1996

This permit and the authorization to discharge shall expire at midnight, August 13, 2001

Signed this 12th day of July 1996

Roger K. Mochnic, for
Acting Director, Office of Water, Region 10
U.S. Environmental Protection Agency

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I. SPECIFIC LIMITATIONS AND MONITORING REQUIREMENTS

A. Effluent Limitations, Monitoring Requirements and Emergency Discharge Limitations.

1. Initial Limitations: During the period beginning on the effective date of this permit, and lasting until January 1999, the Permittee is authorized to discharge wastewater to the North Fork of the Payette River from outfall 001, provided the discharge meets the following limitations and monitoring requirements:

PARAMETER	EFFLUENT LIMITATIONS			MONITORING REQUIREMENTS		
	Average Monthly Limit	Average Weekly Limit	Daily Maximum Limit	Sample Location	Sample Frequency	Sample Type
Flow, MGD	2.0	---	---	Effluent	Continuous	Recording
Biochemical Oxygen Demand (BOD ₅)	20 mg/l	30 mg/l	---	Influent and Effluent	3/week	24 hr. ¹ Composite/Grab
	330 lb/day	500 lb/day	---			
Total Suspended Solids (TSS)	20 mg/l	30 mg/l	---	Influent and Effluent	3/week	24 hr. ¹ Composite/Grab
	330 lb/day	500 lb/day	---			
Fecal Coliform Bacteria ³	50/100ml	100/100ml	---	Effluent	3/week	Grab
pH	6.0 - 9.0 Standard Units			Effluent and NFPR ² (up and down)	Daily Weekly	Grab
Total Residual Chlorine ⁴	---	---	0.5 mg/l	Effluent	Daily	Grab

¹ 24 hour flow proportioned composite sample

² (see Section I.B.)

³ Fecal coliform results shall be reported using the geometric mean.

⁴ Chlorine should be analyzed using the test method from the 17th Edition of Standard Methods, Method 4500-Cl F with an MDL of 18 µg/l.

2. There shall be no discharge of floating solids or visible foam other than trace amounts.

3. Percent removal requirements for BOD₅ and TSS are as follows: For any month, the monthly average effluent loadings shall not exceed 15 percent of the monthly average influent loadings for BOD₅ and TSS.

Percent removal of BOD₅ and TSS shall be reported on the Discharge Monitoring Reports (DMRs). For each parameter, the monthly average percent removal shall be calculated from the arithmetic mean of the influent values and the arithmetic mean of the effluent values for that month. Influent and effluent samples shall be taken over approximately the same time period.

4. Final Limitations - On or before January 1, 1999, the Permittee shall cease their discharge to the North Fork of the Payette River except as provided by Emergency Discharge Limitations.

5. Emergency Discharge Limitations - If slow rate land application with winter storage is the final selected treatment alternative, the Permittee with approval from EPA and DEQ is authorized to make an emergency discharge from the winter storage reservoir(s) when they do not have sufficient capacity for winter storage at the end of the irrigation season. Such a discharge may take place during the months of November through April. In the event a discharge from the storage reservoir(s) is necessary, the Permittee shall maintain a 60:1 dilution of river flow to effluent flow and meet the following effluent limitations and monitoring requirements.

PARAMETER	EFFLUENT LIMITATIONS			MONITORING REQUIREMENTS		
	Average Monthly Limit	Average Weekly Limit	Daily Maximum Limit	Sample Location	Sample Frequency	Sample Type
Total Effluent Flow cfs	---	---	---	Effluent	Continuous	Recording
Total River Flow cfs	---	---	---	USGS gage & Fish Hatchery	Daily	Grab
Dilution Factor Ratio of River Flow to Effluent Flow	Maintain 60:1 dilution			Calculation	Daily	Calculation
Biochemical Oxygen Demand (BOD ₅)	20 mg/l	30 mg/l	---	Influent and Effluent	3/week	24 hr. ¹ Composite/Grab
Total Suspended Solids (TSS)	20 mg/l	30 mg/l	---	Influent and Effluent	3/week	24 hr. ¹ Composite/Grab
Fecal Coliform Bacteria	50/100ml	100/100ml	---	Effluent	3/week	Grab
pH	6.0 - 9.0 Standard Units			Combined Effluent and NFPR ² (up and down)	Daily Weekly	Grab
Total Residual Chlorine ³	---	---	0.5 mg/l	Effluent	Daily	Grab

¹ 24 hour flow proportioned composite sample

² (see Section I.B.)

³ Chlorine should be analyzed using the test method from the 17th Edition of Standard Methods, Method 4500-Cl F with an MDL of 18 µg/l.

There shall be no discharge of floating solids or visible foam other than trace amounts.

Percent removal requirements for BOD₅ and TSS are as follows: For any month, the monthly average treatment facility effluent loading shall not exceed 15 percent of the monthly average influent loading to the treatment facility for BOD₅ and TSS.

Percent removal of BOD₅ and TSS shall be reported on the Discharge Monitoring Reports (DMRs). For each parameter, the monthly average percent removal shall be calculated from the arithmetic mean of the treatment facility influent values and the arithmetic mean of the effluent values from the treatment facility for that month. Influent and effluent samples shall be taken over approximately the same time period.

B. Additional Monitoring and Reporting Requirements

1. During the period beginning on the effective date of this permit and lasting until the expiration date, the discharge and NFPR shall be monitored as specified below.

Monitoring Requirements				
Parameter	Units	Location	Frequency	Sample Type
Total Phosphorus (P)	mg/l	Effluent Effluent NFPR ¹ (upstream)	3/week: June 1-Sept. 15 Weekly: Sept. 16-May 31 Quarterly ²	Grab
Total Ortho Phosphate (ortho-P)	mg/l	Effluent Effluent NFPR ¹ (upstream)	3/week: June 1-Sept. 15 Weekly: Sept. 16-May 31 Quarterly ²	Grab
Total Ammonia-Nitrogen (NH ₃ -N)	mg/l	Effluent Effluent NFPR ¹ (upstream)	3/week: June 1-Sept. 15 Weekly: Sept. 16-May 31 Weekly	Grab
Temperature	°C	Effluent NFPR ¹ (upstream and downstream))	Daily Weekly	Grab

¹The NFPR (North Fork of the Payette River) shall be sampled immediately upstream of the Permittee's discharge at a location agreed upon by the permittee, Idaho Division of Environmental Quality (IDEQ) and EPA.

²Quarterly ambient monitoring results shall be submitted with discharge monitoring reports (DMRs) to EPA and IDHW-DEQ for the months of December, March, June and September.

2. Ambient and effluent monitoring for metals shall be conducted until the final compliance schedule date as follows:

Ambient and Effluent Metals Monitoring Requirements				
Parameter	Units	Location	Frequency	Sample Type
Arsenic	µg/l	Effluent & NFPR ¹	Twice ²	Grab
Cadmium	µg/l	Effluent & NFPR ¹	Twice ²	Grab
Chromium (III)	µg/l	Effluent & NFPR ¹	Twice ²	Grab
Copper	µg/l	Effluent & NFPR ¹	Twice ²	Grab
Lead	µg/l	Effluent & NFPR ¹	Twice ²	Grab
Mercury	µg/l	Effluent & NFPR ¹	Twice ²	Grab
Nickel	µg/l	Effluent & NFPR ¹	Twice ²	Grab
Silver	µg/l	Effluent & NFPR ¹	Twice ²	Grab
Zinc	µg/l	Effluent & NFPR ¹	Twice ²	Grab

¹ North Fork of the Payette River immediately upstream from the discharge.

² Twice means once during base flow conditions in January 1997 and once during high flows in May 1997.

All metals analyses shall be reported as both "Total Recoverable" and "Dissolved" except mercury which shall be reported as "total" (see Section I.B.3). The Permittee shall use clean/enhanced techniques for sample collection and analysis that are compatible with approved methods as specified in 40 CFR § 136 (see permit Section I.F.)

3. The Permittee shall conduct analyses using methods approved in 40 CFR § 136. The analytical method detection limit (MDL) or range of analytical method detection limits (from approved EPA methods 40 CFR § 136) outlined in table below shall be achieved for each specified parameter.

Method Detection Limits	
Parameter ^{1,2}	Method Detection Limit (MDL) (µg/l)
Arsenic	0.5
Cadmium	0.05 - 2
Chromium(III)	0.1 - 4
Copper	0.7 - 3
Lead	0.7 - 3
Mercury	0.2
Nickel	0.6 - 5
Silver	0.5 - 2
Zinc	2.0 - 5
1. Mercury shall be analyzed as total. All other parameters shall be analyzed and reported as total recoverable and dissolved. 2. See Section I.F.4. , Quality Assurance Project Plan.	

C. Compliance Schedule (IDAPA 16.01.02.400.03)

Consistent with The Idaho Water Quality Standards and Wastewater Treatment Requirements, the Permittee shall comply with the following schedule towards the elimination of the discharge from the McCall wastewater treatment facility to the North Fork of the Payette River:

1. Initial progress report by October 1, 1996
Thereafter, the Permittee shall submit progress reports to the EPA and IDEQ as listed in Section II C. of this permit every six months beginning on or before October 1, 1996. The progress report shall contain a discussion concerning the status of the selected alternative including financing, the schedule for implementation, and an issues update.

2. Begin construction of facilities June 1, 1997
necessary to comply with this
schedule on or before
3. Complete construction and initiate January 1, 1999
operation on or before
4. Provide written certification and March 1, 1999
documentation of the elimination
of the Permittee's discharge from
the named receiving waters
5. This schedule may be modified if the Permittee
demonstrates to EPA and IDEQ that good cause
exists (consistent with 40 CFR § 122.62) for
modification, such as an act of God, strike,
flood, or other events which the Permittee has
little or no control and for which there is no
reasonably available remedy.

D. Modification Clause

Consistent with 40 CFR § 122.62, this permit may be modified if necessary to incorporate changes in water quality-based limitations for nutrients or other conditions (such as procedures to permit pollutant trading between sources of pollution) that may be included in Phase II of the Watershed Management Plan (TMDL).

E. Whole Effluent Toxicity Testing

The Permittee shall conduct annual toxicity tests on effluent grab samples in July. Samples shall be taken at the NPDES sampling location.

1. Acute Test Species and Methods:
 - a. The Permittee shall conduct 48-hour non-renewal tests with an invertebrate, the water flea, *Ceriodaphnia dubia* and a vertebrate, rainbow trout, *Oncorhynchus mykiss*¹ for the

¹ Any freshwater species listed in Appendix B, "Supplemental List of Acute Toxicity Test Species", may be used in place of the foregoing.

first three suite of tests. Immediately after this screening period, the annual monitoring shall be conducted on the most sensitive of these species.

- b. The presence of acute toxicity will be determined as specified in Methods for Measuring the Acute Toxicity of Effluents to Freshwater and Marine Organisms, Fourth Edition, EPA/600/4-90/027F, August 1993.

2. Chronic Test Species and Methods:

- a. The Permittee shall conduct short-term tests with the water flea, *Ceriodaphnia dubia* (survival and reproduction test), the fathead minnow, *Pimephales promelas* (larval survival and growth test) and the green alga, *Selanastrum capricornatum* (growth test) for the first three suites of tests. Immediately after this screening period, annual monitoring shall be conducted using the most sensitive species
- b. The presence of chronic toxicity shall be estimated as specified in Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, Third Edition, EPA/600/4-91-002, July, 1994.
- d. The Permittee may propose to EPA that compliance with acute toxicity conditions be based on the mortality data from chronic test data using the fathead minnow.

3. Definition of Acute/Chronic Toxicity

- a. Acute toxicity is significantly reduced survival of standard test organisms in a water sample compared to the survival of control organisms using statistical procedures (LC50) in a 48-hour non-renewal test.

- b. Where the LC50 is calculated, results shall be reported in TU_a, where $TU_a = 100/LC50$ (in percent effluent).
- c. Chronic toxicity measures a sublethal effect (e.g., reduced growth, reproduction) to experimental test organisms exposed to an effluent or ambient waters compared to that of the control organisms. The no observed effect concentration (NOEC) is the highest concentration of toxicant to which organisms are exposed in a chronic test, that causes no observable adverse effect on the test organisms (e.g., the highest concentration of toxicant to which the values for the observed responses are not statistically significant different from the controls)². The inhibition concentration, IC, is a point estimate of the toxicant concentration that causes a given percent reduction (p) in a non-quantal biological measurement (e.g., reproduction or growth) calculated from a continuous model (the EPA Interpolation Method). The effective concentration, EC, is a point estimate of the toxicant concentration that would cause a given percent reduction (p) in quantal biological measurement (e.g., larval development, survival) calculated from a continuous model.
- d. Results shall be reported in TU_c, where $TU_c = 100/NOEC$ or $100/IC_{25}$ or EC_{25} (in percent effluent).

3. Quality assurance

Acute/Chronic Tests:

² If in the calculation of a NOEC, two tested concentrations cause statistically adverse effects, but an intermediate concentration did not cause statistically significant effects, the test should be repeated or the lowest concentration must be used. For example: 6.25, 12.5, 25, 50 and 100% effluent concentrations are tested. The 12.5 and 50% concentrations are statistically significant, but 25% is not significant. If the test is not repeated, then the NOEC is 6.25%.

- a. A series of five dilutions and a control will be tested. The series shall include the Acute receiving water concentration of 11.3%, two dilutions above 11.3%, and two dilutions below 11.3%. For Chronic tests the series of five dilutions shall include the chronic receiving water concentration of 4.9%, two dilutions above 4.9% and two dilutions below 4.9%.
 - b. If organisms are cultured in-house, reference toxicant tests using the same dilutions (3a.) shall be run monthly. Otherwise, concurrent testing with reference toxicants shall be conducted.
 - c. If either of the reference toxicant tests or the effluent tests do not meet all test acceptability criteria as specified in the test methods manual, then the Permittee must re-sample and re-test as soon as possible.
 - d. Reference toxicant tests shall be conducted using the same test conditions as the effluent toxicity test.
 - e. Control and dilution water should be receiving water, as described in the manual. If the dilution water is different from the culture water, a second control shall be used, using culture water.
 - f. If receiving water controls do not meet test acceptability criteria (TAC), then control and dilution water must be laboratory water.
4. Preparation of Generic TRE Workplan

The Permittee shall submit to EPA a copy of the Permittee's generic toxicity reduction evaluation (TRE) workplan within 90 days of the effective date of this permit. This plan shall describe the steps the Permittee will follow in the event that toxicity is detected, and must include at a minimum:

- (a) A description of the investigation and evaluation techniques that would be used to identify potential causes/sources of toxicity, effluent variability, treatment system efficiency;
- (b) A description of the facility's method of maximizing in-house treatment efficiency, good housekeeping practices, and a list of all chemicals used in operation of the facility;

5. Accelerated Testing

- a. If acute or chronic toxicity as defined is detected at the trigger level of 11.3% for acute toxicity and 4.9% for chronic toxicity, then the Permittee shall conduct six more tests, weekly, over a six-week period. Testing shall commence within two weeks of receipt of the sample results that indicate exceedance.
- b. If implementation of the generic TRE workplan indicates the source of toxicity (for instance, a temporary plant upset), then only one additional test is necessary. If toxicity is detected in this test, then Part 5a. shall apply.
- c. If acute or chronic toxicity as defined is detected in any of the six additional tests, then, in accordance with the Permittee's TRE workplan and, at a minimum, EPA manual EPA/600/4-89/001A (municipal), the Permittee shall initiate a TRE within fifteen (15) days of receipt of the sample results of the exceedance to reduce the cause(s) of toxicity.
- d. If none of the six tests indicates toxicity, then the Permittee may return to the normal testing frequency.

6. Toxicity Identification Evaluation (TIE)

- a. If acute toxicity is detected in any two of the six bi-weekly tests, the Permittee shall, in accordance with EPA acute and chronic manuals EPA/600/6-91/005F (Phase I), EPA/600/R-92/080 (Phase II), and EPA-600/R-92/081 (Phase III), initiate a TIE to identify the causes of toxicity.
- b. If none of the six tests indicates toxicity, then the Permittee may return to the normal testing frequency.

7. Reporting

- a. The Permittee shall submit the results of the toxicity tests in TUs with the discharge monitoring reports (DMR) for the month in which the tests are conducted.
- b. The full report shall be submitted by the end of the month in which the DMR is submitted.
- c. The full report shall consist of: (1) the toxicity test results; (2) the dates of sample collection and initiation of each toxicity test; (3) the flow rate at the time of sample collection; and (4) the results of the effluent analyses for chemical/physical parameters required for the outfall(s) as defined in Parts I.B.1.& 2. of this permit.
- d. Test results for acute tests shall be reported according to the acute methods manual chapter on Report Preparation, and shall be attached to the DMR.
- e. Evaluation results--The Permittee shall notify EPA and the State in writing within fifteen (15) days of exceedance of the TRE trigger of:
 - (1) The finding of the TRE/TIE or other investigation to identify the cause(s) of toxicity;
 - (2) Actions the Permittee has taken or will take to mitigate the impact of the

discharge, to correct the noncompliance and to prevent the recurrence of toxicity;

(3) Where corrective actions including a TRE/TIE have not been completed, an expeditious schedule under which corrective actions will be implemented; and

(4) If no actions have been taken, the reason for not taking action.

8. Reopener

This permit may be modified in accordance with the requirements set forth at 40 CFR Parts 122 and 124, to include appropriate conditions or limits to address demonstrated effluent toxicity based on newly available information, or to implement any EPA-approved new State water quality standards applicable to effluent toxicity.

F. Quality Assurance Requirements

1. The Permittee shall develop a Quality Assurance Plan. The primary purpose of the Quality Assurance Plan shall be to assist in planning for the collection and analysis of samples in support of the permit and in explaining data anomalies when they occur.
2. Throughout all sample collection and analysis activities, the Permittee shall use the EPA approved quality assurance, quality control, and chain-of-custody procedures described in Interim Guidelines and Specifications For Preparing Quality Assurance Project Plans, QAMS-005/80, December 29, 1980. The Permittee's Quality Assurance Plan shall be prepared in the format which is specified in QAMS-005/80. The following reference may be helpful in preparing the Quality Assurance Plan for this permit:

You and Quality Assurance in Region 10, EPA, Region 10, Quality and Data Management Program, March 1988.

3. The plan shall be submitted to EPA for review and approval within 90 days of the effective date of this permit.
4. At a minimum the plan shall include the following:
 - Sampling techniques (field blanks, replicates, duplicates, control samples, etc).
 - Sampling preservation methods.
 - Sampling shipment procedures.
 - Instrument calibration procedures and preventive maintenance (frequency, standard, spare parts).
 - Qualification and training of personnel.
 - Analytical methods (including quality control checks, quantification/detection levels).

The Permittee may use the following EPA guidance documents when developing effluent and ambient data through enhanced sampling and analyses required by this permit: Method 1669, Sampling Ambient Water for Determination of Trace Metals at EPA Water Quality Criteria Levels, EPA 821-R-95-034, April, 1995 and Guidance on the Documentation and Evaluation of Trace Metals Data Collected for Clean Water Compliance Monitoring, EPA 821-B-95-002.

5. Name(s), address(es) and telephone number(s) of the laboratories, used by or proposed to be used by the Permittee, shall be specified in the Quality Assurance Plan.
6. The Permittee shall require the laboratory director of each laboratory providing measurement results in support of this permit to sign and

submit to EPA the following statement on a monthly basis with the DMR:

I certify that this data is in compliance with requirements under 40 CFR 136 and other analytical requirements specified in NPDES permit ID-002023-1.

Signature:_____ Date:_____

G. Definitions.

1. "Average monthly discharge limitation" means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
2. "Average weekly discharge limitation" means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all "daily discharges" measured during a calendar week divided by the number of "daily discharges" measured during that week.
3. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
4. "Daily discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.
5. The "Geometric Mean" of "n" quantities is the " n^{th} " root of the product of the quantities.
6. A "Grab" sample is a single sample or measurement taken at a specific time or over as short a period of time as is feasible.

7. "Maximum daily discharge limitation" means the highest allowable "daily discharge."
8. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
9. A "24-hour composite" sample shall mean a flow-proportioned mixture of not less than 8 discrete aliquots. Each aliquot shall be a grab sample of not less than 100 ml and shall be collected and stored in accordance with procedures prescribed in the most recent edition of Standard Methods for the Examination of Water and Wastewater.
10. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
11. Method Detection Limit (MDL) - The minimum concentration of an analyte that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero as determined by a specific laboratory method (40 CFR 136).

II. MONITORING, RECORDING AND REPORTING REQUIREMENTS

- A. Representative Sampling. Samples taken in compliance with the monitoring requirements established under Part I shall be collected from the effluent stream prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge.
- B. Monitoring Procedures. Monitoring must be conducted according to test procedures approved under 40 CFR Part

136, unless other test procedures have been specified in this permit.

- C. Reporting of Monitoring Results. Monitoring results shall be summarized each month on the Discharge Monitoring Report (DMR) form (EPA 3320-1). The reports shall be submitted monthly and are to be postmarked by the 10th day of the following month. Legible copies of these, and all other reports, shall be signed and certified in accordance with the requirements of Part IV.J., Signatory Requirements, and submitted to the Director, Water Division and the State agency at the following addresses:

original to: United States Environmental Protection Agency
(EPA) Region 10
1200 Sixth Avenue, WD-135
Seattle, Washington 98101

copy to: Idaho Department of Health and Welfare
(IDHW-DEQ) Division of Environmental Quality
1410 North Hilton
Boise, Idaho 83706

- D. Additional Monitoring by the Permittee. If the Permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Such increased frequency shall also be indicated.

- E. Records Contents. Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements;
2. The individual(s) who performed the sampling or measurements;
3. The date(s) analyses were performed;
4. The individual(s) who performed the analyses;
5. The analytical techniques or methods used; and

6. The results of such analyses.

- F. Retention of Records. The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time. Data collected on-site, copies of Discharge Monitoring Reports, and a copy of this NPDES permit must be maintained on-site during the duration of activity at the permitted location.
- G. Twenty-four Hour Notice of Noncompliance Reporting.
1. The following occurrences of noncompliance shall be reported by telephone within 24 hours from the time the Permittee becomes aware of the circumstances:
 - a. Any noncompliance which may endanger health or the environment;
 - b. Any unanticipated bypass which exceeds any effluent limitation in the permit (See Part III.G., Bypass of Treatment Facilities.);
 - c. Any upset which exceeds any effluent limitation in the permit (See Part III.H., Upset Conditions.); or
 - d. Violation of a maximum daily discharge limitation for any of the pollutants listed in the permit to be reported within 24 hours.
 2. A written submission shall also be provided within five days of the time that the Permittee becomes aware of the circumstances. The written submission shall contain:
 - a. A description of the noncompliance and its cause;

- b. The period of noncompliance, including exact dates and times;
 - c. The estimated time noncompliance is expected to continue if it has not been corrected; and
 - d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
 3. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Water Compliance Section in Seattle, Washington, by phone, (206) 553-1846.
 4. Reports shall be submitted to the addresses in Part II.C., Reporting of Monitoring Results.
- H. Other Noncompliance Reporting. Instances of noncompliance not required to be reported within 24 hours shall be reported at the time that monitoring reports for Part II.C. are submitted. The reports shall contain the information listed in Part II.G.2.
- I. Inspection and Entry. The Permittee shall allow the Director or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by law, to:
 1. Enter upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
 2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
 4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as

otherwise authorized by the Act, any substances or parameters at any location.

- J. Compliance Schedules. Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any Compliance Schedule of this permit (Part I) shall be submitted no later than 10 days following each schedule date.

III. COMPLIANCE RESPONSIBILITIES

- A. Duty to Comply. The Permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The Permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- B. Penalties for Violations of Permit Conditions.
1. Civil Penalty. The Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall be subject to a civil penalty, not to exceed \$25,000 per day for each violation.
 2. Criminal Penalties:
 - a. Negligent Violations. The Act provides that any person who negligently violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act; or negligently introduces into a sewer system or into a publicly owned treatment works any pollutant or hazardous substance which such person knew or reasonably should have known could cause personal injury or property damage or, other than in compliance with all applicable federal, state, or local requirements or permits, which causes such treatment works to violate any effluent limitation or condition in a permit issued to the treatment works under Section 402 of this

Act; shall be punished by a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or by both.

- b. Knowing Violations. The Act provides that any person who knowingly violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act; or knowingly introduces into a sewer system or into a publicly owned treatment works any pollutant or hazardous substance which such person knew or reasonably should have known could cause personal injury or property damage or, other than in compliance with all applicable federal, state, or local requirements or permits, which causes such treatment works to violate any effluent limitation or condition in a permit issued to the treatment works under Section 402 of this Act; shall be punished by a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or by both.
- c. Knowing Endangerment. The Act provides that any person who knowingly violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. A person which is an organization shall, upon conviction of violating this subparagraph, be subject to a fine of not more than \$1,000,000.
- d. False Statements. The Act provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Act or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method

required to be maintained under this Act, shall upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or by both.

Except as provided in permit conditions in Part III.G., Bypass of Treatment Facilities and Part III.H., Upset Conditions, nothing in this permit shall be construed to relieve the Permittee of the civil or criminal penalties for noncompliance.

- C. Need to Halt or Reduce Activity not a Defense. It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- D. Duty to Mitigate. The Permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- E. Proper Operation and Maintenance. The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
- F. Removed Substances. Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters.
- G. Bypass of Treatment Facilities.
 - 1. Bypass not exceeding limitations. The Permittee may allow any bypass to occur which does not cause

effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2 and 3 of this section.

2. Notice:

- a. Anticipated bypass. If the Permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass.
- b. Unanticipated bypass. The Permittee shall submit notice of an unanticipated bypass as required under Part II.G., Twenty-four Hour Notice of Noncompliance Reporting.

3. Prohibition of bypass.

- a. Bypass is prohibited and the Director may take enforcement action against a Permittee for a bypass, unless:
 - (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (3) The Permittee submitted notices as required under paragraph 2 of this section.

- b. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determine that it will meet the three conditions listed above in paragraph 3.a. of this section.

H. Upset Conditions.

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph 2 of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
2. Conditions necessary for a demonstration of upset. A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and that the Permittee can identify the cause(s) of the upset;
 - b. The permitted facility was at the time being properly operated;
 - c. The Permittee submitted notice of the upset as required under Part II.G., Twenty-four Hour Notice of Noncompliance Reporting; and
 - d. The Permittee complied with any remedial measures required under Part III.D., Duty to Mitigate.
3. Burden of proof. In any enforcement proceeding, the Permittee seeking to establish the occurrence of an upset has the burden of proof.

IV. GENERAL REQUIREMENTS

- A. Notice of New Introduction of Pollutants. The Permittee shall provide adequate notice to the Director, Water Division of:
1. Any new introduction of pollutants into the treatment works from an indirect discharger which would be subject to Sections 301 or 306 of the Act if it were directly discharging those pollutants; and
 2. Any substantial change in the volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of the permit.
 3. For the purposes of this section, adequate notice shall include information on:
 - a. The quality and quantity of effluent to be introduced into such treatment works; and
 - b. Any anticipated impact of the change on the quantity or quality of effluent to be discharged from such publicly owned treatment works.
- B. Control of Undesirable Pollutants. Under no circumstances shall the Permittee allow introduction of the following wastes into the waste treatment system:
1. Wastes which will create a fire or explosion hazard in the treatment works;
 2. Wastes which will cause corrosive structural damage to the treatment works, but in no case, wastes with a pH lower than 5.0, unless the works is designed to accommodate such wastes;
 3. Solid or viscous substances in amounts which cause obstructions to the flow in sewers, or interference with the proper operation of the treatment works;
 4. Wastewaters at a flow rate and/or pollutant discharge rate which is excessive over relatively short time periods so that there is a treatment

process upset and subsequent loss of treatment efficiency; and

5. Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge of such volume or strength as to cause interference in the treatment works.
- C. Requirements for Industrial Users. The Permittee shall require any industrial user of these treatment works to comply with any applicable requirements of Sections 204(b), 307, and 308 of the Act, including any requirements established under 40 CFR Part 403.
- D. Planned Changes. The Permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when the alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are not subject to effluent limitations in the permit.
- E. Anticipated Noncompliance. The Permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- F. Permit Actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- G. Duty to Reapply. If the Permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the Permittee must apply for and obtain a new permit. The application should be submitted at least 180 days before the expiration date of this permit.
- H. Duty to Provide Information. The Permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine

compliance with this permit. The Permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

- I. Other Information. When the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Director, it shall promptly submit such facts or information.
- J. Signatory Requirements. All applications, reports or information submitted to the Director shall be signed and certified.
 1. All permit applications shall be signed by either a principal executive officer or ranking elected official.
 2. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described above and submitted to the Director, and
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
 3. Changes to authorization. If an authorization under paragraph IV.J.2. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph IV.J.2. must be

submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

4. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- K. Availability of Reports. Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Director. As required by the Act, permit applications, permits and effluent data shall not be considered confidential.
- L. Oil and Hazardous Substance Liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties to which the Permittee is or may be subject under Section 311 of the Act.
- M. Property Rights. The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.
- N. Severability. The provisions of this permit are severable, and if any provision of this permit, or the

application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

- O. Transfers. This permit may be automatically transferred to a new Permittee if:
1. The current Permittee notifies the Director at least 30 days in advance of the proposed transfer date;
 2. The notice includes a written agreement between the existing and new Permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
 3. The Director does not notify the existing Permittee and the proposed new Permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 2 above.
- P. State Laws. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Act.